

Applicant: Virginia Cornish
Serial No.: 10/056,874
Filed: January 24, 2002
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other subgroups (i.e. subgroups 1 and 3-8, see June 14, 2004 Restriction).

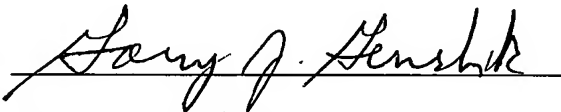
In response, applicant notes that M.P.E.P. §809.02(a) only requires applicant to list claims *readable* upon an elected species. There is no requirement to indicate that a claim is not readable on a species, and applicant maintains that the previously filed response was fully responsive. However, in order to further prosecution, applicant notes that claims 57 and 58, to the extent that subgroups 1 and 3-8 are species that characterize *different* aspects of the claimed method than is referred to in either claim 57 or 58, characterize the claimed method with a cephem or fluoroacil moiety, and are readable upon subgroups 1 and 3-8 as set forth by the Examiner in the June 16, 2004 Restriction Requirement issued in connection with the above-identified application, and as elected by applicant in response to the Restriction Requirement filed July 16, 2004.

Applicant specifically notes that if a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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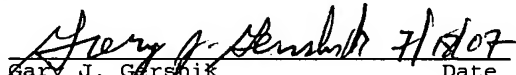
No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Gary J. Gersnik Date
Reg. No. 39,992